THE LATTER-DAY SAINTS'

MILLENNIAL STAR.

"Holiness unto the Lord."

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A STATE GOVERNMENT FOR UTAH.

[CONTINUED FROM PAGE 359.]

It has been maintained by able jurists that the Constitution contains no express grant of power to organize and govern what is now known to the laws of the United States as a Territory: that whatever power of this kind exists, is derived by implication from the capacity of the United States to hold and acquire territory, and the necessity that it should have some government. On the other hand it has been claimed that the Constitution has not failed to make express provisions to this end, and that it is found in the third section of article four of the Constitution.

I look in vain, however, in the literature of the time, for any hint at an intermediate form of government between the condition then existing and complete Statehood. As Mr. Seward declares, States, perfect States, equal States, sovereign States, appear to be the only governments known to that instrument or to its framers. From whence, then, does Congress claim to derive its power to organize provincial or colonial governments on such portion of the public domain as may not have been admitted as States? Are the "principles of the Constitution" operative and active under that form of government?

First, as to the source of authority. This is claimed to exist, as I have said, in article four of the Constitution, which gives to Congress the power to make all needful rules and regulations for the government of the territory and other property of the United States. It is important to determine what the phrase "territory," as here used, implied. If we can credit the statements made in the debates in convention and those which appear in the periodicals of the time, and if we are willing to admit in evidence the opinions of the Supreme Court of the United States and the statesmen of the nation, we are forced to the conclusion that this clause of the Constitution simply had reference to the then existing territory of the United States—the "Northwest Territory."

In 19th Howard, Supreme Court reports, p. 395, the opinion is given that the provision in the Constitution giving Congress power to make all needful rules and regulations respecting the territory of the United States, means, simply, that "the power there given, whatever it may be, is confined,

and was intended to be confined to the territory which at that time belonged to or was claimed by the United States, and was within their boundaries, as settled by the treaty with Great Britain, and can have no influence upon territory afterwards acquired from a foreign government. It was a special provision for a known and particular territory and to meet a present emergency, and nothing more."

This tract, ceded by Virginia pending the ratification of the Constitution, was a bone of contention between the several States. It was known as "waste land," without population or improvement. Virginia claimed its sole ownership, because, in the treaty with Great Britain, it fell within her limits. Heavy war-debts existed in several States, and these wanted the tract sold for the common benefit. The controversy over this territory was becoming bitter, and interfered with the ratification of the Constitution, in which instrument Virginia took an especial pride, it having originated in that State.

To stop all discussions, Virginia ceded the territory in dispute to the United States. She desired certain stipulations from Congress in view of the probable future settlement of the vast region, which were granted, and are now known as the "ordinance of '87."

The provisions of this ordinance deserves consideration, because this measure, designed to achieve a temporary purpose, is the basis of all the wrongs which the "Territories" have endured. As a basis of temporary government it is, however, far less reprehensible than the territorial system which ultimately grew out of it. Among other provisions in the enactment, we find Congress pledging herself to these conditions: Freedom of religion; judicial proceedings according to the course of the common law; capital offences to be bailable; no man to be deprived of his liberty or his property but by the judgment of his peers or the law of the land; and that there should be formed in the territory, not less than three nor more than five States; that whenever either of the said States contain sixty thousand free inhabitants, such State shall be admitted on an equal footing with the original States; that Congress might admit such State before she had sixty thousand free inhabitants, and that the only condition absolutely essential to admission was that the Constitution adopted by said State should be republican in form and in conformity with the plan of the ordinance.

The terms of the instrument clearly indicate its temporary character. It provided for not less than three nor more than five new States, and the power of the ordinance was to cease as fast as such States were formed. It was a treaty between the State of Virginia and the Congress of the then Confederation. Virginia claimed ultimate and not very remote Statehood for her outlying domain northwest of the Ohio river; and pending Statehood, a liberal government as compared with existing governments. The details were to be left to Congress, and so, to provide for those details, a clause was inserted in the Constitution, which was at that very hour being framed, giving to Congress the power to make "all needful rules and regulations" for the government of the territory and other property of the United States, such as forts, arsenals, dockyards, &c., all of which are catalogued in the clause alluded to. Clearly, Virginia could not make stipulations for the government of territory which might afterwards be ceded by Mexico, Russia or Great Britain! Beyond question, the territorial system of government, in its original form, the ordinance of '87, was intended to be confined to the Virginia cession. That ordinance was unconstitutional in this, that it was passed before the Constitution was adopted. After the adoption of the Constitution, Congress, by resolution passed October 10, 1780, re-enacted the ordinance, and pledged itself to convert the territory covered by the ordinance, and such other lands as might be acquired, into States, with all the powers of the other States. The same resolution provided for the appointment by the President of officers for the territory. Hamilton declared, when speaking of the action of Congress in the matter of the Northwest Territory,

and the organization of a Territorial government therein: "All this has been done, and done without the least color of constitutional authority." The Supreme Court decision, in 19th Howard, from which I have quoted, rather hesitatingly admits the possible right of Congress to legislate for the Northwest Territory, and says—

"The power which Congress may have lawfully exercised in this territory, while it remained under a Territorial government, and which may have been sanctioned, can furnish no justification and no argument to support a similar exercise of power over territory afterwards acquired by the Federal government."

If, as Hamilton declared, the organization of a government other than that of a State, for the Northwest Territory, was "done without the least color of constitutional authority," or if, according to the United States Supreme Court, the power exercised by Congress over the territory *may* have been lawfully exercised, but "can furnish no justification and no argument to support a similar exercise of power over territory afterwards acquired by the Federal government;" if, as the Supreme Court has since held, territory "is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority," we are irresistibly drawn to the conclusion that the more recent acts of Congress, organizing Territorial governments on the general basis of the ordinance, but far less republican in detail, are acts of usurpation, uncontemplated by the Constitution, and, in the case before us, in violation of treaty obligations.

But in case it is charged that the assumptions of the great minds, from whom I have quoted, are unauthorized and incorrect, I think I may challenge contradiction for the remark that the framers of the Constitution did not contemplate the perpetual or even long-continued existence of a single citizen of the United States—much less of any considerable body of such citizens—on the soil of the republic, and yet beyond the protection of the Constitution. It is safe to assert, however, that the people of the Territories—of the organized and unorganized alike—are, and have ever been, without the protection of the Constitution.

I am aware that the contrary position has been asserted. I know that in 1849, on the floor of the Senate it was argued that the Constitution could, by act of Congress, be extended over the Territories, as well as over the States; over everything, in short, to which the United States laid claim. I know that one Senator declared that the Constitution was its own interpreter in this particular, and that, inasmuch as it declares itself to be "the supreme law of the land," it meant that it was pre-eminently the supreme law of the Territories, because the Territories were not only a part of "the land," but were, furthermore, that particular part over which the Federal government had especial power under the Constitution. And I remember, too, the object in view, when this sophistry was employed on the floor of the United States Senate. It was a weak invention—one of the many weak inventions—of the slave power, beleaguered and beset on every hand. It was an effort on the part of that power to carry slavery into this very territory, then undivided, which had been ceded by a non-slaveholding republic. Mr. Calhoun was the Senator to whom I have alluded; the sophistry which I have quoted is his. His object was plain. The Constitution recognized involuntary servitude; to extend its provisions over the Territories would be to engraft slavery upon them. A bill was therefore framed, providing three "temporary governments," as all Territorial governments are called, whatever they prove to be in fact—for the country then lately acquired from Mexico, which governments were to be known as California, Utah and New Mexico. In that bill it was provided that the Constitution of the United States should be extended to these Territories. The northern Senators rose up as one man, "denying the power of Congress to legislate the Constitution into the Territories." Some of the remarks of the great expounder of that instrument—Mr. Webster—are so pertinent to the position which I assume—that the Constitution does not protect the rights of the citizens of the Territories—that I

am impelled to quote them at this point:

"It is of importance . . . . that we should seek to get some conception of what is meant by the proposition, in a law, 'to extend the Constitution of the United States to the Territories.' Why, sir, the thing is utterly impossible. All the legislation in the world . . . . could not accomplish it. The Constitution—what is it? We extend the Constitution of the United States by law to Territories? What is the Constitution of the United States? Is not its very first principle that all within its influence and comprehension shall be represented in the legislature which it establishes, with not only a right of debate, and a right to vote in both Houses of Congress, but a right to partake in the choice of the President and Vice-President? And can we by law extend these rights or any of them to a Territory of the United States? Everybody will see that it is altogether impracticable. . . . Let me say, that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States, and over nothing else. It cannot be extended over anything except over the old States and the new States that shall come in hereafter, when they do come in. . . . The honorable Senator from South Carolina, conversant with the subject as he must be from his long experience in different branches of the Government, must know that the Congress of the United States have established principles in regard to the Territories that are utterly repugnant to the Constitution. The Constitution of the United States has provided for them an independent judiciary; for the judge of every court of the United States holds his office upon the tenure of good behavior. Will the gentlemen say that in any court established in the Territories the judge holds his office in that way? He holds it for a term of years, and is removable at executive discretion."

In reference to this speech Senator Benton said that "All this was sound constitutional law, or, rather, was veracious history, showing that Congress governed as it pleased in the Territories independently of the Constitution, and often contrary to it; and consequently that the Constitution did not extend to it."

The proposition failed, and the Territories with their "temporary" governments continue outside the pale of the Constitution, and therefore without the enjoyment of that republican form of government guaranteed by that instrument to all the States of the Union.

It appears then that in spite of the fact that sovereign States only were contemplated by the Constitution of the United States; in spite of the fact that the Territory of Utah was twice conquered by the people who now inhabit it—first, from a foreign power by the two columns of which I have spoken, and again through infinite trial and suffering from the opposing forces of nature; in spite of the fact that all nations have admitted that "to conquer the land is worth the fee simple of the soil;" in spite of the fact that the treaty which ceded them and their conquered domain to the nation from which they sprang, provided for their protection and for their speedy admission into the Union; in spite of respectful petitions for admission often repeated and always unheeded—it still remains as it has for twenty-two years a "Territory."

What is a "Territory?" We have seen that it is a sort of government over which the Constitution of the republic is impotent; it is safe to say therefore that it is anti-republican. We have seen that it is a kind of government uncontemplated in the Constitution, and that its model—happily now extinct—was created before the adoption of that instrument: it is reasonable to charge therefore that it is unconstitutional. Let us now examine further and see if it is not another name for the embodiment of the worst features of the worst form of government known to history.

The Territories have no voice in the government. Their rulers, immediate and remote are aliens and strangers, often enemies. The people of the Territories make no laws. To-day they execute none. They are minor children, without a parent worthy of the name and office; wards without a guardian such as would be acceptable

to any probate court in the land. The Territory has been called the political Botany Bay of the nation; the lazar-house of decayed politicians; the receiving-tomb for defunct party hacks, and has long been recognized as the appropriate place of exile for the useless pensioners of political parties.

The memorial accompanying the Constitution which has been drafted for the new State declares that "it is the system of government, rather than those who administer the system, which should be censured." With that sentiment I agree. The system has been and can be administered in such a manner as to secure not the best good of the people perhaps, but an absence of misrule and absolute tyranny; it is however capable of being administered in a manner alike revolting to every honest man, and injurious to the best interests of the community. We all know that power is of an encroaching nature, and that no system of government is other than faulty which does not effectually restrain the power conferred from passing the limits assigned to it. In our Territory the officer of the government is practically without restraint. Clearly such a system is as censurable under the guise of a "republican form of government" as would be a return to the feudal system, from which sprang the colonial system against which our fathers rebelled.

It is a vital political truth that in a republican government the legislative, executive and judicial departments must be separate and distinct. A sacred maxim of free government is violated by a practical consolidation of these different powers, even though they be technically separated. It has been wisely said by one of America's greatest men, that "the accumulation of all powers—legislative, executive and judiciary, in the same hands, whether of one, a few or many, and whether hereditary, appointed or elective, may justly be pronounced the very definition of tyranny;" and this self-evident truth is repeated by Montesquieu and other political economists.

We might be led to suppose that the framers of the early Territorial organizations neglected to observe that they were providing a government with this absolute identity of power and interest so unequivocally denounced by Hamilton, Montesquieu and others. But it is safe to say that they were fully conscious of the fact. It was however only a temporary device, intended to serve a specific purpose, and having a limited field of action. It could not have contemplated the misgovernment of 600,000 people, equal to one-fifth of the entire population of the nation at the framing of the Constitution. Besides, in the beginning it was far less tyrannical than now. "Improvements," so called, have been engrafted upon it. A phantom legislature has been provided for it; phantom I say, because in our Territory it possesses not a single law-making prerogative. By our organic act this unsubstantial and shadowy legislative department is created and empowered, with the aid of the local executive, to frame laws for the government of the Territory. But its labors can be nullified by a single individual—the appointed governor. His veto is absolute. No bill can be passed over his veto by a two-thirds vote, nor by any other majority. This officer is thus a vital part of the law-making power. The style of the legislative enactment is, "Be it enacted by the Governor and Legislative Assembly." He is called "the executive," and is sworn to "see that the laws are faithfully executed." Here is clearly that union of the law-making and law-executing powers against which all republicans the world over protest. Worse even than this, a premium is paid for dishonesty on the part of the governor. He can defeat legislation by a secret effort, without incurring the odium which would attach to the exercise of his veto power. By the organic acts, Congress can finally disapprove and annul such Territorial enactments as it pleases. The governor has only to hint his wishes to some friend in Congress, and the honest work of an entire legislative session is destroyed by a joint resolution. The executive has struck this blow at the most vital and important interests of the Territory, but his hand is concealed. Enmity is gratified while the face of the foe is averted.

As to the judiciary. These officers

are created by the same power, and may be selected because of their known sympathy and unity of sentiment with this remarkable law-making executive. That inflexible and uniform adherence to the rights of individuals which is so indispensable in the courts of justice cannot be expected from judges selected as these men are. Their term of office is too brief. "It should be "during good behavior," as is the case in the States, and as has worked so satisfactorily whenever employed. A temporary duration in office discourages competent men from quitting a lucrative line of practice to accept a seat on the bench, and this throws the administration of justice into hands incompetent to conduct it with impartiality and dignity. The salary is inadequate. The small stipend attaching to the office of Territorial judge will usually buy only the services of cheap men and bad lawyers, although the interests involved are vast and demand for their adjudication the highest talent in the land. Four men thus absolutely execute the three departments of the government, and hold at their mercy a multitude of human beings for whom perhaps they have small regard.

Where is the guarantee for the good behavior of the federal officer of a Territory? What security for fidelity to duty, for impartiality in the exercise of authority, do the people of a Territory receive at his hands? None! You cannot impeach him, though he prove a fiend incarnate, because you have no authority so to do. He is in a "Territory," and he is safe. Were his acts of usurpation committed in a State, the constitutional remedy of impeachment would remain. But he is beyond the pale of the Constitution, and you cannot molest him. You cannot indict and convict him, for he holds the courts in the hollow of his hand. You cannot appeal to his ambition or to his interest, because you can cater to neither. He is not the servant of the people. He owes them nothing, not even respect. He is their friend if the nobler impulses of humanity chance to possess him—he is their tyrant if it so happens that he prefers tyranny to humanity. Monstrous as is the proposition to confer upon four strangers—the children of one parent, deriving their authority and their compensation from a single source, and therefore naturally of one mind—absolute control over the lives, liberty and property of an entire community, its horrors are intensified by the reflection that these strangers are the natural intermediaries between the people and the general government!—that the government with parental partiality listens reluctantly to charges against its favorite appointees, and gravely proceeds to "institute inquiries"—of whom? The people? No! Unprejudiced observers? No! Some responsible officer sent out to investigate and report? No! Whom, then? Why the very officials implicated! The inhuman governor; the corrupt, prejudiced or bigoted judge; the venal prosecuting attorney! All information must come through this tortuous channel to be warped and twisted to meet the views of the careless, corrupt or malignant officials. How shall the appeal of the people, how may the wail of deeply wronged communities reach the ear of power? It cannot do it.

How different is all this in the remote States! There the executive and legislative bodies representing as they do the people, stand as sentinels over the persons employed in every branch of the National administration, with power to communicate their acts to the national authorities, and the position to render themselves heard at the seat of government. They have political power, senators, votes in Congress, a voice in the great work of selecting national rulers. Their rights may not be invaded with impunity.

It may be said in reply that each Territory has its delegate in Congress, whose duty it is to represent the condition of his locality and to seek the correction of all existing abuses. I admit this, and I could not excuse myself if I neglected to give all credit to these earnest and noble men. Their duties are many and their toil excessive. With interests to foster and protect, more extensive than most members of Congress, they are yet shorn of all legislative power. Representing immense geographical divisions of the national domain, they have not a vote to give—scarcely a voice which can make itself heard—in furtherance of

the interests of their people. These gentlemen must take back seats in the House of Representatives. The unbending etiquette of this body declares that the Territorial delegate must talk only on Territorial topics, and not often on these. He may be the peer of any statesman in the nation, with a mind enriched by cultivation and by travel in many lands, but he can open his lips under this dome only upon subjects connected with Indians and irrigating ditches. He may be a Demosthenes in eloquence, but if he speaks at all it must be to empty benches on a Saturday. The representatives of a million and a half of square miles and six hundred thousand people, exceeding in able-bodied male adults, and therefore in working and productive capacity, the State of Massachusetts—are practically without voice or influence, as they are without votes, in the national legislature, and are therefore nearly powerless in the various departments of the government.

The facts fully bear me out in the assertion that there is nothing in common between the people of a Territory and their rulers. There is little to inspire confidence in the so-called courts of justice. The great argument employed by Territories seeking admission has ever been, "Our judges are venal, biassed, or incompetent." I need not cite instances, they abound. Read the debates in any convention held in a Territory for the purpose of framing a State Constitution, and you will be sated with utterances of this nature. From bad, things proceed to worse. Judicial usurpations grow with the aggressions upon which they have fed. The gentleman from Montana now introduces a bill declaring the United States courts in the Territories to be Territorial courts when trying offences under Territorial laws, and giving to the Legislatures of the Territories the power to prescribe the rules of procedure in such cases. Why is such a law demanded? It has been the practice since such courts were first organized. But a judge in my Territory has departed from it, and has thus rendered new legislation necessary to restore to anything like symmetry this "thing of shreds and patches"—a Territorial government. Why has this judge departed from established usage? Because the Territorial statute, copied, I understand, from Massachusetts, procured jurors by lot, from the body of the people, indiscriminately. It is said that he was not satisfied with this. It has even been charged that he desired to know something of the opinions of his jurors in advance; that he did not care to waste his time in holding court to prove men innocent. He therefore decided that he was a United States court all the time. Thus he brought the machinery and power of the United States to bear upon offences against Territorial laws, secured jurors on open venire, as is permitted in mail-robbing, counterfeiting, and other high crimes against the United States, and wrested justice from its plain intent. I will not detain you with details. I have carefully prepared a brief bearing upon these law points, but I will not trouble you with it. Happily a decision of the Supreme Court of the United States, delivered last week by Mr. Chief Justice Chase, the entire Bench concurring, gives at once the law to this Utah judge, and a sense of relief to those who have watched his course with regret and amazement. That decision charges, as erroneous and illegal, the jury-packing system which has been practised in violation of statute. This was a civil suit, involving property; in matters of life and liberty no legal method exists whereby the opinion of the Supreme Court can be reached. The facts have been widely discussed and severely commented upon. That they exist is evident from the fact of the introduction of the bill of which I have spoken, the aim of which is to render such enormities impossible in the future. From these enormities no Territory has suffered severely, save Utah. Yet, monstrous as it may appear, the author of that bill has signified his willingness to have Utah excepted from its provisions! He would permit the misguided author of the existing reign of terror in Utah to continue his work of destruction, and would even dignify it, negatively, by failing to stamp as illegal in one Territory what was solemnly denounced as impossible in the remaining eight.

[TO BE CONTINUED.]

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

TUESDAY, JUNE 11, 1872.

BUSINESS ITEMS.—On examination of the Financial Reports from the several Conferences for the last quarter, we observe that there is a great diversity in the manner of stating the items of expenditure under the various headings, and often a lack of order and conciseness in detail.

The amount expended for the "support of Elders" should be stated in detail, and not "lumped" in one gross sum. The name of each Elder who has received a portion of the tithing should be specified, and the amount received for clothing and for traveling expenses should be separately entered, as also a third item be made if it should happen that he receives funds for other than these two purposes. This is but justice both to this Office and to the Elders themselves, as it gives us a clear understanding of their expenditure, and relieves them from the appearance of extravagance.

Tithing is designed for the spreading of the Gospel and the building up of the work of the Lord, and not for the personal benefit of individuals, and no person has a right to order and direct the disposal of tithing in the European Mission, only as he derives the right and authority from the President thereof. The Conference Presidents are authorized to pay certain necessary and unavoidable expenses, such as chapel rents, rates, lights, &c., Conference house expenses, &c., though, so far as the latter item is concerned, we think that if the Elders are diligent in visiting the Saints throughout their respective fields of labor, they will need be but little of their time at the Conference houses; indeed, we have sometimes fancied that these houses were a temptation to slothfulness, and that faithful Saints who would be glad of the privilege of entertaining the servants of God were deprived of the privilege. But in all these matters the wisest economy should be used, and a careful watch kept over these expenses, that no unnecessary extravagance creeps in. The gross amount paid out of the tithing for each and every Branch in the Conference, should also appear separately against the name of the Branch in every quarterly report, under the heading of "hall rents, &c." None of the Elders are authorized to use tithing for the liquidation of book debts, or for the payment of the carriage on STAR parcels; any Elder who has thus used the tithing, has erred in understanding the proper use of the tithing.

As previously plainly instructed in the STAR, Conference Presidents are requested to be careful to keep the tithing accounts correctly, and report in detail any expenditure of tithing monies by them, that this Office may determine the propriety of such expenditures. Donations are to be used as each Conference may deem best, and need not be reported to this Office; but tithing and donation monies should not be mixed together in the books.

When Individual Emigration Deposits are ten shillings or more, the depositors are requested to attend to having their receipts furnished them in due time.

No person has the right to charge more for the publications of the Church than the prices printed in our retail price list, (except the actual amount expended for postage). Should any one be overcharged by our book agents or others, we request that they will immediately make the same known to this Office.

APPOINTMENT.—Elder Samuel S. Jones is appointed a Traveling Elder in the London Conference.

CORRESPONDENCE.

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GREAT BRITAIN.

Merthyr, June 4, 1872.

Pres. Albert Carrington.

Dear Brother—Having been released to return to the land I love, I will pen you a few lines before leaving. My labors and associations in the Glamorgan Conference have been of the most satisfactory character. My health has been good, and I have been enabled to discharge my duties in the ministry without being hindered one day through sickness, since I landed on these shores. My labors are best known to the people among whom I labored. The Traveling Elders, the Branch Presidents and the local Priesthood generally have been united with me in preaching the Gospel, and building up and comforting the Saints. I feel now toward them as I always felt, namely, May the Lord our God bless them with power to continue faithful to the high and holy profession they have made, and never fall back to the beggarly elements of a rotten system of infidelity piously styled Christianity. I now retire from this field, but not from the ministry; I intend to continue my labors in the land of Zion, and use all the influence I can in that land to assist in the redemption of faithful, scattered Israel abroad.

Since I landed on this mission I have attended Conferences and District Meetings, in London, Birmingham, Sheffield and Nottingham, and have felt blessed in so doing. I am thankful that I can tranafer all the business in a plain and satisfactory manner to my worthy successor—no debt, no trouble, no particular ill-feeling throughout the Conference, and all our Financial Books balanced up to date.

I am highly pleased with the good selection made in the person to succeed me (Elder John A. Lewis); he is the right man, in the right place; may the Lord abundantly bless him in his ministerial labors.

With mixed feelings of joy and sadness I bid farewell to the kind-hearted faithful Saints in this land, hoping soon to meet them in Zion. To me Zion is the glory of the whole earth, in truth, virtue, purity and righteousness.

The Brethren join in love to you, and all at the office.

Ever praying God to bless you and all the faithful, I remain your humble brother in the Church of Christ.

DAVID JOHN.

SCANDINAVIA.

Copenhagen, May 31, 1872.

Pres. Albert Carrington,

Dear Brother—I returned home the day before yesterday from Christiania, having visited all the Conferences but Fyen. We have had some excellent meetings in the different Conferences, all of which seem in a thriving condition. The prospects for the progress of the kingdom of God seem pretty fair. In a few days I hope to get the half-yearly report from the Conferences, which I will send you as soon as ready. You will learn by it that notwithstanding the many stories put into circulation against us, especially in the forepart of the winter, we have still been blest in our labors and have added a good many to the field, (about 400 I believe.) In Sweden and Norway they are still so generous as to treat our

Brethren to "bread and water." One of the missionaries in Stockholm Conference was fined 175 Swedish rixdalers for preaching that Joseph Smith was a true Prophet. As he had no money he was sentenced to fourteen days imprisonment and treated to the above named fare. So many days is a very hard punishment, and but few are able to stand it at once. The police came to arrest him, but by him giving his word that he would meet at the appointed time, they trusted him to come and surrender himself. He was asked several times if he did not feel too weak to endure his punishment at once, if so they would let him rest a few days, but he had no time to waste and wanted to get through as soon as possible, that he might again preach Christ crucified and Brigham his Prophet. He asked God to bless the scanty penal fare, and his prayer was heard, so that when he left the prison he felt stronger than when he went into it, which greatly surprised the jailor, when on his release they went up through the streets. The authorities feel ashamed of these proceedings and accuse the priests of being the instigators, while the priests try to throw the blame back on to the authorities; both parties seem to consider it a poor shift to resort to such means to defend their doctrines, but their hatred to the people of God overbalances their better feelings.

I congratulate you on your safe return to your field of labor, and my constant prayer is that you may be greatly blest in the discharge of your duties.

Kind regards to you and the Brethren in the office.

Yours truly,

KNUD PETERSON.

CHAPTERS FROM THE HISTORY OF THE CHURCH.

CONTINUED FROM PAGE 365.

The energy which was displayed in building the Temple exasperated the adversary and those under his influence, and they were determined to stop its progress. Satan hates a people who have the Holy Priesthood and who build Temples to the Most High, and he marshals all his forces against them. He knows that every such building is a fortress erected in the heart of what has been his dominion, and if finished and allowed to stand it will prove the means of overthrowing his power. Hence, rather than have Temples built, he would drench the earth with the blood of the Saints. This is the secret of the opposition which, as we write, is brought to bear against the servants and Saints of God in these mountains. The servants of God have been inspired to urge the Saints to build the Temple in this city, and also to erect another at St. George. This makes Satan and his followers angry, and to prevent these labors being accomplished they would not hesitate to imprison and even kill, if they had the power, President Young, his Counsellors, the Apostles and other faithful Elders. But the Lord commands Temples to be built, and though the devil rages and tries to prevent, they will yet be erected in great numbers, and in them the Saints will attend to ordinances for themselves and their ancestors and friends. There will be a contest for the supremacy; but the Lord and His people will gain the victory and Satan will be stripped of his usurped power.

From their retreats, where they had secreted themselves to avoid being arrested, President Young and his fellow Apostles came forth on the morning of Saturday, the 24th of May, 1845, to lay the cap-stone on the south-east corner of the Temple. This was a joyous occasion, and the number assembled to witness the ceremony was very large. Enemies and apostates had freely predicted that the work on the Temple would be stopped, and the building never be finished. But the Saints had not been discouraged in the midst of poverty, sickness, attacks from mobs, suffering from the murder of their Prophet and Patriarch and the desertion of false brethren,

they had persevered, putting their trust in God who had called them to perform this labor, and now they were gladdened by witnessing the interesting spectacle of the laying of the last stone necessary to complete the walls. It was truly a day of thanksgiving and praise, and the Saints felt in the spirit which they enjoyed that they had been abundantly rewarded for all their zeal and perseverance. The singers sung their sweetest notes, their voices thrilled the hearts of the assemblage, and the music of the band, which played on the occasion, never sounded more musical and charming than on that occasion; and when President Young placed the stone in its position and said—"The last stone is now laid upon the Temple, and I pray the Almighty, in the name of Jesus to defend us in this place and sustain us until the Temple is finished and we have all got our endowments;" and the whole congregation shouted "Hosanna, Hosanna, Hosanna, to God and the Lamb, Amen, Amen and Amen," and repeated these words the second and third time, the Spirit of God descended upon the people, gladness filled every heart and tears of joy coursed down many cheeks. The cries of praise were uttered with earnestness and fervour; it was a relief to many to be able thus to give expression to the feelings with which their hearts were overcharged. Altogether the scene was a very impressive one, and we doubt not that angels looked upon it and rejoiced.

President Young concluded the ceremonies by saying—"So let it be the Lord Almighty. This is the seventh day of the week or the Jewish Sabbath. It is the day on which the Almighty finished His work and rested from His labors. We have finished the walls of the Temple and may rest to-day from our labors." He then dismissed the workmen for the day and requested them to spend the time in giving thanks to God. The congregation then dispersed, and he and his brethren of the Twelve Apostles retired to their places of retreat.

In a letter written by Governor Ford to President Young, under date of April 8th, 1845, he stated that the impression on the public mind everywhere was that the leaders of the Latter-day Saints were impostors and rogues and that the others were dupes and fools. This was the reason he assigned for their considering and treating the Saints as enemies and outcasts, as men to be cherished and trusted in nothing, because, in their estimation some of them were deluded and others designing in matters of religion. "If," said he, "you can get off by yourselves you may enjoy peace; but surrounded by such neighbors I confess that I do not foresee the time when you will be permitted to enjoy quiet. I was informed by General Joseph Smith last Summer that he contemplated a removal west; and from what I learned from him and others at that time, I think if he had lived he would have begun to move in the matter before this time. I would be willing to exert all my feeble abilities and influence to further your views in this respect if it was the wish of your people.

"I would suggest a matter in confidence. California now offers a field for the prettiest enterprise that has been undertaken in modern times. It is but sparsely inhabited and by none but the Indian or imbecile Mexican Spaniards. I have not inquired enough to know how strong it is in men and means. But this we know that if conquered from Mexico, that country is so physically weak and morally distracted that she could never send a force there to reconquer it. Why would it not be a pretty operation for your people to go out there, take possession of and conquer a portion of the vacant country and establish an independent government of your own, subject only to the laws of nations? You would remain there a long time before you would be disturbed by the proximity of other settlements. If you conclude to do this, your design ought not to be known, or otherwise it would become the duty of the United States to prevent your emigration. But if you once cross the line of the United States' Territories, you would be in no danger of being interfered with."

This course was suggested by others as well as he, and leading men in the nation thought it the only possible

solution of what they called the "Mormon question." They were willing to promise us any amount of land belonging to Mexico, and some were even in favor of letting us have a portion of Oregon to settle upon, the possession of which they were willing that we should have for all time, if we would only move there. We did come to California, for when the pioneers reached this valley of Salt Lake it was a part of Upper California and belonged to Mexico; but we came peaceably and occupied the country without violence. A battalion of five hundred of our brethren helped to bring all this Territory, all Nevada and California into the possession of the United States. They volunteered as soldiers, were marched afoot from Council Bluffs across the continent to the Pacific Ocean and acquired all this region by right of conquest. But the Saints did not accept Governor Ford's suggestion and establish an independent government of their own. They loved their country, its institutions, its constitution and laws; and though they had suffered persecution and violence, their leaders had been killed, and they had been driven from their homes by mobs, they were still willing to contend for their rights in the government and not outside of it; and therefore made no attempts to set up an independent government.

NEW SOLUTION OF THE MORMON PROBLEM.

Messrs. Editors — The hackneyed proposition of "abandoning polygamy" to secure the inestimable privilege of Statehood, received a quasi-endorsement in your issue of Saturday. Permit the expression of a few reflections.

I am aware that such "concession to the progress of the age," as it has doubtless overjoyed the kind-hearted, benevolent gentlemen proposing this expedient to entitle it, would in their estimation, improvise some sort of a transition from Territorial mothdom. The American press have also generously solaced themselves in this opinion for the past fifteen years. * *

"One thing I find here below," said Carlyle, "the just thing, the true thing; if the thing is unjust, thou hast not succeeded." And what do Congress or the country really care about polygamy in Utah? The outcry comes from the sepulchral pulpits of the Hustis-Newman hue—and Congress responsively comes down with the polygamy act of 1862.

The best statesmen and clergy "dare not voice their deepest convictions in public, but have two sets of morals, one for the closet and one for the street." It may be admissable however to ask what legislators propose to do in view of the alarming and increasing excess of women throughout Christendom? This question may well appall the wisest men. Nor are we half awake to its momentous import. Legislators pause upon the threshold of woman's enfranchisement. Women in the ascendency, with marriage on the decline, are the anomalies of the time; and yet either male or female is but half without the other.

As priestly celibacy has filled with defilement the cloistered haunts of the vestal virgins, so Roman monogamy has made Christian cities drunk with the wine of her fornication. The impending crisis is not whether woman must go *back* to polygamy or *forward* to free-love, but whether she shall obtain patriarchal marriage, as instituted by Jehovah and honored by the practice of the long-lived, inspired and chosen exponents of high heaven's will of all ages, or the monogamic-polyantry of Christendom, denying honorable marriage to 200,000 "sweet, attractive, graceful" women in the solitary State of Massachusetts; flanking the avenues of trade with houses of assignation and prostitution, precipitating upon society a "social evil which no law can restrain and no power suppress,," and dragging woman, the moulder and finisher of nations, down to an average life of but four years, when she dies of the *will of God* or some other disease.

From the low plane of traditional

monogamy it is sometimes asked if a man be allowed to have a plurality of wives, why not also allow the woman a plurality of husbands? It should be observed that such an inquiry is only consonant with total oblivion to the laws of procreation and the highest and holiest mission of woman—that of bearing the souls of men, and wherein says the Scripture, she shall achieve her salvation—a brighter, purer, holier, more queenly and exalted estate than has ever entered into the hearts of those who prescribe promiscuous intercourse as the panacea for the catalogue of political, social, moral and physical wrongs by which trusting woman is daily crucified. Conjugal law, which in all ages and nations has "confined one woman to one man, has never confined man to one woman."

It might safely be admitted as an axiom, that the Author of being cannot be defective in the laws of being. It is not less demonstrative that he has most unequivocally endorsed patriarchal or plural marriage; that through that lineage have descended all the prophets and apostles, to whom the heavens were unveiled, and even the Only Begotten of the Father himself came through an undisputed line of polygamous ancestry. The efforts to press any of the utterances of Jesus or his Apostles into service in abrogation of patriarchal institutions must be as inconsistent as they are subversive of obvious construction and good sense.

It is not claimed that the 250,000,000 of accredited monogamists composing that euphonious division of the world pet named Christendom are in duty bound to practice polygamy because the Mormons in Utah have been commanded to do so! Now won't this announcement sooth many disquieted nerves? It must not be forgotten, though, that Isaiah, the most clear-headed and minute delineator of the mighty convulsions of the last days, predicts in no mincing words a gigantic woman revolt against an order of things so fraught with reproach, infamy and death to her; and such a fervent requisition will be made for true woman's rights as will find its way to hearts of masculine adamant. "We will eat our own bread," &c., only let us have an honorable marriage! Bachelors and old maids will then be found wanting—the one a husband, the other shelter for increasing responsibilities. Woman's right to "propose" will be asserted, maintained and honored.

In conclusion, will it be too much to ask of our good Christian, ministerial friends either to throw away their Bibles or quit the *role* of apologists for the Almighty in devoutly explaining that "in the days of ignorance God winked" (a "spiritual" wink of course!) at sin, in which category they have very indiscreetly, to say the least of it barbarianized the friends and favorites of God.

It is quite presumable that men having the frequent privilege of personal communication with angels and exalted beings had better opportunities for acquiring correct information on any science or subject than those who ostracise all further revelation and whose highest conception of the God and Father of our Lord Jesus Christ is that he is a "Being without body, parts or passions," whose "centre is everywhere and whose circumference is nowhere!"—the most exact definition of *nothing* to be found in language.

We respectfully propose to our brethren of the Christian ministry this new solution of the Mormon problem. M.—*Cleveland Plain Dealer.*

UTAH NEWS.

The following are from the *Deseret News* to May, 18.

Heavy storms had prevailed in Salt Lake, Utah, and other counties.

The Home Missionaries were holding two days' meetings in various parts of the Territory.

Travel was increasing and all the principal hotels in the city were filled with visitors from the States and Europe.

The Utah County Agricultural Society contemplated pre-empting 160 acres of land for pleasure grounds for the people of that County.

A son of Enoch and Emma Clark, 18 months old, was accidentally drowned in the water ditch near his parents' residence at Springville, May 7.

The Female Relief Society of Hyrum had established two straw braiding schools and a millinery establishment, where hats and bonnets of a superior quality were being made.

On May 8, brother Ira Reid was struck and instantly killed by lightning, near his residence at West Jordan. He was born in Kirtland, Ohio, in 1834, and was connected with the Church all his lifetime.

A Company had been formed in the Fourth Ward, called the Deseret Fertilizing and Manufacturing Company, for the manufacture of various kinds of oils, lard, glue and axle grease, railroad oils and grease, machinery oils, &c.

The altitude of the following places in Utah County above the sea level had been determined: Eureka 6,500 feet, Silver City 6,200 feet, Goshen 4,660 feet, Payson 4,900 feet, Spanish Fork 4,775 feet, Springville 4,780 feet, Provo 4,400 feet, Summit, between Goshen and Diamond 6,780 feet.

On May 15 the *News* published the petition to Congress of the *soi-disant* loyal citizens of Utah, against a State government for that Territory to which about four hundred female names were appended. Since its publication the editor has received and printed numerous letters of which the following are examples—

Salt Lake City, May 16, 1872.—Editor Deseret News—Dear Sir—Seeing in the *Evening News* of yesterday a petition addressed to the Senate and House of Representatives of the United States, purporting to be signed by the mothers, sisters and wives of the loyal citizens of the Territory of Utah, and seeing among the names those of several of my children from ten years old and upward, I desire to state that neither of the first two upon the list ever saw, heard or signed the petition, nor do their sentiments or feelings in any way correspond with those therein expressed.

The young children allowed their names to be put down on the petition under the assurance that it was something very good, without any comprehension of its meaning.

Now while I most cheerfully accord the female "residents of the Territory of Utah" their right of citizenship to the fullest extent, I at the same time most decidedly object to the names of my little girls being attached by proxy to any document without my knowledge, before they are able to comprehend its significance. Yours respectfully,

ELLIOT HARTWELL.

Salt Lake City, May 18, 1872.—Editor Deseret News—Sir—I notice in your evening paper of May 15, a petition said to be written and signed by more than 400 loyal women of the Territory, and to my surprise I saw my name on the list of petitioners. Now I wish it to be understood that I never wrote nor gave permission to anyone to place my name on that petition, and I defy any person to step forward and accuse me of then knowing of or of having anything to do with such a lying petition. ELIZABETH HUSBANDS.

Salt Lake City, May 18, 1872.—Editor Deseret News—Dear Sir—In March last I signed a paper without reading its contents on the representation of Mrs. Paddock and Mrs. J. B. Kimball that it was purely in reference to a principle from the effects of which I had severely suffered; learning afterwards that I had been deceived in the matter I obtained the promise that my name should be erased, and fully believed it had been done till I saw the petition and signatures for the first time in the *Evening News* of Wednesday last. I therefore

feel it a duty to state that I fully believe that all the aspersions against persons therein are wholly untrue, and therefore deny any complicity in the matter.

Respectfully, MRS. LOUISA WOODFORD.

This petition, into which are introduced the most infamous charges against the Latter-day Saints, is an apt illustration of the manner in which anti-Mormon petitions are manufactured.

The following are from the Salt Lake *Herald* to May 19—

Arrangements were being made to light the Theatre with gas.

Hon. C. Delano, Secretary of the Interior, and wife, were visiting Salt Lake City.

Surface indications of Coal had been discovered about 23 miles southeast of St. George.

During May 11 and 12, eighteen inches of snow fell at Alta City, Little Cottonwood Canon.

Hon. T. Fitch, Attorney General Bates, and U. S. Marshal Patrick had returned to Salt Lake City.

High waters prevailed in Cache Valley, and there was danger that some of the bridges might be swept away.

During 1871, 10,806 tons of ore and 2,378 tons of bullion were shipped from Salt Lake City per Utah Central Railroad.

The crops were looking splendid, but grasshoppers in great numbers had appeared in various portions of the Territory.

During the first two weeks in May, 7,003,141 lbs. of merchandise were received and forwarded over the Utah Central Railroad.

About one hundred lodges of Ute Indians were encamped in Spanish Fork Canon, where they intended to remain during the summer season.

On May 18 a man named Syme fell off a gravel train on the U. S. R. R. near Drapersville, and a car passed over one of his legs, severely injuring it.

Fifteen hundred tons of railroad iron were arriving for the Utah Southern, sufficient to lay the track to Lehi, where the junction will be for the American Fork and East Cañon Roads.

DECREASE IN BIRTHS.—A remarkable diagram has been prepared by Dr. Toner, the statistician, which gives at a glance the facts of each census in regard to the relative longevity of the two sexes; also another curious table, showing the number of children born to each thousand women between the ages of fifteen and fifty at each census. This table reveals the startling fact that what is held up as the peculiar shame of Massachusetts, is equally true of all her sister States, it is shown that only one-half as many children are born to each thousand women as in 1800, and that there has been a regular decrease from one decade of years to another.

A PALPABLE HIT.—The "Chronicles of Congress" of the Washington *Capital*, for last week, contain the following under the caption "The Latter-day Saints"—Mr. Cragin reported the bill to aid in the execution of the law against polygamy from the committee on Territories, with an amendment, which was ordered to be printed, and the bill was recommitted. It is probable that the laws of the United States will be easy of execution not only in Utah but elsewhere in proportion as they are just. When Congress can frame a law which will effectually prevent one of its members from keeping a concubine in the District of Columbia, or punish him if he disobeys—the member aforesaid having a wife at home—it will be in a fit legal and moral condition to try its hand at reclaiming the polygamous husbands of Deseret.